

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARTHUR W. WEBER,

2:21-cv-679

Plaintiff,

v.

ELECTRONICALLY FILED

LYFT, INC.,

Defendant.

NOTICE OF REMOVAL AND JURY DEMAND

AND NOW, come Defendant, Lyft, Inc., by and through their counsel, Dickie, McCamey & Chilcote, P.C., and files the following NOTICE OF REMOVAL of the above-captioned action from the Court of Common Pleas of Allegheny County where it has been assigned Case No. GD 21-002973, to the United States District Court for the Western District of Pennsylvania and in support thereof avers as follows:

1. This action was commenced in the Court of Common Pleas of Allegheny County, Pennsylvania by Complaint on March 29, 2021, at Case No. GD 21-002973. In the Complaint, Plaintiff alleges that he was injured in a vehicular accident on April 22, 2019. Thereafter, the Reinstated Complaint and Notice to Defend were served on April 21, 2021. Thirty (30) days have not yet expired since the action became removable. Attached hereto are copies of the Complaint (Exhibit A), Praeclipe to Reinstate Complaint (Exhibit B), Sheriff's Return for Lyft, Inc. (Exhibit C) and docket (Exhibit D).

2. A Concise Statement of the Facts which entitled Defendant to remove the Civil Action filed at GD 21-002973 in the Court of Common Pleas of Allegheny County to the United States District Court for the Western District of Pennsylvania, Pittsburgh division is as follows:

A. According to the allegations of the Complaint, Plaintiff is a resident of Commonwealth of Pennsylvania and County of Allegheny residing at 720 Montclair Street, Pittsburgh, PA 15217. See Complaint, paragraph 1.

B. Defendant Lyft, Inc. is a Delaware corporation with its headquarters and principal place of business located at 185 Berry Street, Suite 5000, San Francisco, California 94107.

C. The amount in controversy in this action is in excess of \$75,000 exclusive of interest and costs as evidenced by the injuries alleged in the Complaint, Plaintiff's demand and Plaintiff's failure to stipulate that the amount in controversy does not exceed \$75,000.

D. The Court of Common Pleas for Allegheny County, Pennsylvania, where this action was initially filed, is within the jurisdiction of the United States District Court, Western District of Pennsylvania.

E. This Court has original jurisdiction of this action based upon the complete diversity of citizenship of the parties under 28 U.S.C. 1332 because the amount in controversy exclusive of interest and costs is in excess of \$75,000.

F. Furthermore, this action is removable from the Court of Common Pleas of Allegheny County, Pennsylvania under the provisions of 28 U.S.C. 1441, et seq.

3. Concurrent with this filing, Defendant has filed with the Court of Common Pleas of Allegheny County and served upon Plaintiff's counsel, a Notice of Removal advising the Court of Common Pleas of Allegheny County and Plaintiff's counsel that Defendant has removed this action to the United States District Court for the Western District of Pennsylvania.

4. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it in this action, including jurisdiction.

WHEREFORE, the Defendant, Lyft, Inc. will respectfully request that this case be removed from the Court of Common Pleas of Allegheny County to the United States District Court, Western District of Pennsylvania.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

Date: May 20, 2021

By: /s/ Christopher A. Lovato

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Counsel for Defendant, Lyft, Inc.

JURY TRIAL DEMANDED ON ALL ISSUES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF REMOVAL** has been served on this 20th day of May, 2021, email, to following counsel of record:

Wayne M. Chiurazzi, Esquire
Edward W. Wertman, Esquire
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DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Christopher A. Lovato
Christopher A. Lovato, Esquire

Counsel for Defendant, Lyft, Inc.

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